

**ORDINANCE NO.: 14-11**  
**INTRODUCTION DATE: 08-20-14**  
**ADOPTION DATE: 09-03-14**

**AN ORDINANCE AUTHORIZING CONVEYANCE OF PROPERTY KNOWN AS  
BLOCK 35, LOT 13.03 TO ALLEN HOUSE, INC. PURSUANT TO N.J.S.A. 40A:12-21(I)  
AND FURTHER AUTHORIZING EXECUTION OF DOCUMENTS TO FACILITATE  
SETTLEMENT OF TITLE AND TO COMPLY WITH HUD REQUESTS**

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**BE IT ORDAINED** by the Mayor and Township Committee of the Township of Millstone, County of Monmouth and the State of New Jersey as follows:

**WHEREAS**, the Township of Millstone is presently the record title owner of the property located at 477 Stagecoach Road, Millstone Township (hereinafter, the “Property”); and

**WHEREAS**, the Township of Millstone had designated Affordable Housing Alliance, Inc. f/k/a Monmouth Housing Alliance, Inc. (hereinafter, “AHA”) to develop the Property for Senior Affordable Housing units on the Property in furtherance of the Township of Millstone’s Affordable Housing Plan and entered into a long term lease (the “Lease”) with an option to purchase (“Option”), for that purpose; and

**WHEREAS**, AHA processed plans to develop the Property by constructing and operating affordable senior housing complex (hereinafter, the “Project”) and, in furtherance thereof, the United States Department of Housing and Urban Development (hereinafter, “HUD”) has issued a commitment for financing the Project; and

**WHEREAS**, AHA exercised the Option under the Lease; and

**WHEREAS**, the Project will be subject to HUD’s rules and regulations; and

**WHEREAS**, AHA has assigned its rights and obligations under the Option and Lease to a qualifying non- profit, Allen House, Inc. (“AHI”)

**WHEREAS**, the Township of Millstone will convey and transfer to AHI all of its right, title and ownership interests in and to the Property.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of Millstone Township as follows:

The Township Committee of Millstone Township finds that the proposed Project will meet an existing housing need pursuant to the provisions of the Section 202 of the Federal Housing Act of 1959 and that the development will be an improvement made for the purpose of providing low-income rental housing to the senior citizens of the Township of Millstone and will serve to meet in part the Township’s COAH obligation to provide low and moderate income housing under its fair share obligations with the New Jersey Council on Affordable Housing.

The Property is not otherwise needed for a public use.

The Township Committee hereby authorizes conveyance of the Property to AHI pursuant to N.J.S.A. 40A-12-21(l).

The Township Committee hereby authorizes the execution of the following documents by the Deputy Mayor and Township Clerk:

- a. Deed to AHI with Subordination of reverter clause pursuant to HUD request.
- b. Easement in Gross re: Maintenance of Dam.
- c. Affidavit of Title.
- d. Assignment and Assumption of Commercial Lease Agreement from AHA to AHI, with consent by Township.
- e. Sellers Residency Certification/Exemption.
- f. Affidavit of Consideration.

The Township Committee recognizes that AHA exercised the Option under the Lease in a timely manner and, if technically late, waives any arguable late exercise.

The Township Committee previously authorized the Lease; but, does hereby ratify the entry into the Lease pursuant to N.J.S.A. 40A:12-14(c), N.J.S.A. 12-15(i), N.J.S.A. 52:27D-311 (a)(5) and 52:27D-325.

The United States Department of Housing and Urban Development may rely upon this Ordinance for the approval of the Section 202 application by AHI and funding of the Project.

**BE IT FURTHER ORDAINED**, that the Deputy Mayor, Township Clerk, Deputy Township Clerk and Township Attorney or representative therefrom are hereby authorized to execute any and all other documents, including HUD Settlement Statement, necessary to carry out the purposes set out herein, including settlement of title of the Property to AHI and compliance with HUD funding requirements.

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect upon passage and publication according to law.

**EXPLANATORY STATEMENT:**

This Ordinance authorizes conveyance of property known as Block 35, Lot 13.03 to Allen House, Inc.